

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:12cv334 and 1:13cv9**

P.B., as lawful guardian ad litem)
of Minor Child, JANE DOE,)
)
 Plaintiff,)
)
v.)
)
BURKE COUNTY PUBLIC SCHOOLS)
BOARD OF EDUCATION, LINDA)
BRADSHAW, JOHN ROES 1-10,)
and MICHAEL ANDREW ALEXANDER.)
)
 Defendants.)

**MEMORANDUM IN SUPPORT OF
PLAINTIFFS' MOTION TO
FILE UNDER SEAL**

1:12cv334

**Consolidated for
discovery and trial**

A.B., as lawful guardian ad litem)
of Minor Child, L.B.,)
)
 Plaintiff,)
)
v.)
)
BURKE COUNTY PUBLIC SCHOOLS)
BOARD OF EDUCATION, LINDA)
BRADSHAW, JOHN ROES 1-10,)
and MICHAEL ANDREW ALEXANDER.)
)
 Defendants.)

1:13cv9

NOW COME Plaintiffs, P.B., as lawful guardian *ad litem* of Minor Child, Jane Doe, and A.B., as lawful guardian *ad litem* of Minor Child, L.B., pursuant to Federal Rule of Civil Procedure 5.2(d) and Local Rule 6.1, and state as follows in support of their Motion for an Order to file under seal and restrict public access to certain materials filed with the Court or utilized in connection with judicial decision-making:

FACTS

This case involves sensitive issues of child sexual abuse. The minors, Jane Doe and L.B., have

alleged sexual abuse by their third-grade teacher, Defendant Michael Andrew Alexander. The documents that are necessary to support Plaintiffs' Motion for Approval of Minor Settlements contain identifying information of Jane Doe and L.B. and members of their families, as well as settlement terms the Plaintiffs have agreed to keep confidential.

ARGUMENT

This information should be kept sealed and not made public in order to protect the identities and personal data of both the minors and their families. Furthermore, pursuant to the settlement agreement between the parties, the Plaintiffs have agreed to keep settlement details confidential; publication of these details by Plaintiffs could compromise the settlement agreement reached on behalf of the minors. In short, the information contained in these documents is personal and could negatively affect the futures of the minor children, as well as the settlements reached on their behalf, if it were provided to the public. Accordingly, the represented Defendants, by and through counsel, have consented to Plaintiffs' Motion to File Under Seal.

Though these documents contain sensitive information, Plaintiffs contend in good faith that they are necessary to their Motion for Approval of Minor Settlements, as they provide detailed information to this Court regarding proposed settlement terms.

WHEREFORE, for the foregoing reasons, the undersigned respectfully requests the Court issue an Order allowing and requiring the proposed materials be filed electronically under seal.

Respectfully submitted this the 27th day of May, 2014.

BODE & GRENIER, LLP

By: /s/ Douglas E. Fierberg
Douglas E. Fierberg
(Pro Hac Vice)
1150 Connecticut Avenue, N.W.
Ninth Floor
Washington, DC 20036

TATUM & ATKINSON, PLLC

By: /s/ Laura Conner
Robert M. Tatum
N.C. Bar No. 30435
Laura Conner
N.C. Bar No. 39595
702 Glenwood Ave

202-828-4100

Raleigh, NC 27605

919-741-4020

rtatum@tatumatkinson.com

lconner@tatumatkinson.com

COUNSEL FOR PLAINTIFFS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that in conformity with Rule 5 of the Rules of Civil Procedure that a true copy of the foregoing pleading has been served upon all parties entitled or required to be served by mailing a copy of the document in a properly addressed envelope with sufficient postage affixed thereto. Alternatively, and further, pursuant to Fed. R. Civ. P. 5 and Local Civil Rule 5.3 this document has been filed by electronic means in compliance with the rules and service has been effected by electronic means through the Court's transmission facilities as authorized by Rule 5.3 and in conformity of these rules this 27th day of May, 2014.

Mr. Michael A. Alexander
Offender ID: 1328076
NC Central Prison
1300 Western Blvd.
Raleigh, NC 27606

Via ECF:

Andrew J. Santaniello
asantaniello@clawsonandstaubes.com

Ashlee Burgess Poplin
apoplin@clawsonandstaubes.com

K. Dean Shatley, II
dean@csedlaw.com

TATUM & ATKINSON, PLLC

By: /s/ Laura Conner
Laura Conner
N.C. Bar No. 39595
TATUM & ATKINSON, PLLC
702 Glenwood Avenue
Raleigh, NC 27605
919-741-4020
lconner@tatumatkinson.com
Attorney for Plaintiffs